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FROM: BERLIN

TO: Secretary of State

NO: 510, MARCH 24, 4 PM

SENT DEPARTMENT 510, BONN 469, REPEATED MOSCOW, POLAD USAREUR UNNUMBERED.

PARIS FOR EMBASSY, USRO, CINCEUR THURSTON AND FINN.

REF: BERLIN TEL 508 DEPT, 467 BONN.

PRELIMINARY EXAMINATION ULBRICHT'S STATEMENT ON BERLIN AT TWELFTH PLENUM CENTRAL COMMITTEE LEADS TO CONCLUSION THAT "PROPOSALS" ARE REITERATION NUMBER OF USSR-EAST GERMAN POSITIONS TAKEN AT OUTSET 1959 GENEVA FOREIGN MINISTERS' CONFERENCE AND SHOULD BE SEEN AS AMPLIFICATION OF WEST BERLIN PORTION OF KHRUSHCHEV FEBRUARY 17 MEMORANDUM TO ADENAUER. EVEN SO, PROPOSALS ARE NOTEWORTHY IN SEQUENCE AND STYLE OF ARGUMENTATION, WITH THEIR MOST INTERESTING FEATURE ULBRICHT'S RETICENCE ON SUBJECT OF ALLIED PRESENCE IN BERLIN, SINCE PROPOSALS PRINCIPALLY APPEAR TO BE ADDRESSED ONLY TO FEDREP AND BERLIN SENAT. ULBRICHT SPEECH, INDICATES THAT USSR-EAST GERMAN INITIAL NEGOTIATING TACTICS ON BERLIN MAY BE AS FOLLOWS:

1. OCCUPATION STATUTE APPLIES ONLY TO WEST BERLIN; USSR CONSEQUENTLY HAS SAME LEGAL STATUS AS OTHER "ALLIES" IN WEST BERLIN; NO OCCUPATION STATUTE EXISTS IN EAST BERLIN; THEREFORE NO "GREAT POWER", NOT EVEN USSR, HAS RIGHTS IN EAST BERLIN; CONSEQUENTLY EAST BERLIN CANNOT BE SUBJECT ALLIED DISCUSSION ON BERLIN.

2. GDR LAYS CLAIM TO TERRITORY OF WEST BERLIN BUT DOES NOT CLAIM EAST BERLIN SINCE IT ALREADY IN JURIDICAL POSSESSION OF EAST BERLIN; THEREFORE SETTLEMENT OF WEST BERLIN QUESTION LEADING TO ENDING OF ALLIED AGREEMENTS AND OCCUPATION STATUTE

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REQUIRES PARTICIPATION OF GDR AS HOLDER OF RESIDUAL SOVEREIGNTY
WEST BERLIN TERRITORY.

3. FEDREP HAS NO RIGHTS TO WEST BERLIN. IT HAS ONLY INTERESTS, IN WEST BERLIN. REGULATION OF SOME OF THESE INTERESTS HAS BEEN HANDLED ON AD HOC BASIS THROUGH DIRECT NEGOTIATIONS WITH GDR, SUCH AS THOSE IN IZT, BUT SUCH AGREEMENTS DO NOT GIVE FEDREP ANY LEGAL RIGHTS IN WEST BERLIN; FEDREP CAN ONLY ACQUIRE RIGHTS AND CAN ONLY REGULATE ITS "INTERESTS" IN WEST BERLIN THROUGH PARTICIPATION IN PEACE TREATY INCLUDING BOTH GERMAN STATES AND LEADING TO ESTABLISHMENT FREE CITY OF WEST BERLIN.

4. IF WEST GERMANS UNWILLING SIGN PEACE TREATY AND TREATY IS CONCLUDED ONLY BETWEEN USSR AND GDR, GDR WILL REGULATE TECHNICAL MATTERS ACCESS TO AND FROM BERLIN ONLY THROUGH DIRECT NEGOTIATION WITH BERLIN SENAT. PRE-CONDITIONS FOR SUCH NEGOTIATIONS WILL BE POSITIVE STEPS BY SENAT TO CARRY OUT POLICY WHICH WILL IN EFFECT MAKE BERLIN INTO DEMILITARIZED FREE CITY WITHOUT DIVERSION CENTERS, ETC.

DEFINITION OF PROPOSALS AS "FIRST STEPS" PROBABLY INTENDED TO IMPRESS ON WESTERN POWERS, FEDREP AND BERLIN SENAT THAT EAST GERMANS AND SOVIET UNION HAVE UNDERSTANDING THAT DISCUSSIONS ON BERLIN IN ANY FORUM CAN BE REOPENED ONLY AT POINT WHERE 1959 GENEVA FOREIGN MINISTERS' CONFERENCE OPENED. ULBRICHT'S REMARKS ARE ALSO ANSWER TO SUCH OVERTURES AS MAYOR BRANDT'S RECENT MEMORANDUM ON INITIATING NEGOTIATIONS ON "TECHNICAL MATTERS," SUBSTANCE OF WHICH WAS LEAKED TO PRESS.

WE BELIEVE THAT, IN ADDITION TO BEING POSSIBLE INDICATOR OF GDR-USSR INITIAL NEGOTIATING POSITION ON BERLIN, SPEECH MAY BE EQUALLY IMPORTANT AS INDICATOR OF LINE GDR INTENDS FOLLOW ON QUESTION ACCESS WEST GERMANS TO AND THEIR CIRCULATION IN BERLIN IN NEXT SEVERAL MONTHS. UNUSUAL ATTENTION ULBRICHT GAVE TO REVANCHIST AND MILITARIST ORGANIZATIONS RE-EMPHASIZES CONTINUING LEGAL EXISTENCE SEPTEMBER 8 DECREE AND RECALLS

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PROHIBITION EKD SYNOD (FEBRUARY 1961) AND KIRCHENTAG, SCHEDULED TO BE HELD JULY 19-23 IN BERLIN. ULBRICHT'S EMPHASIS ON THESE TOPICS MAY FORESHADOW RENEWED GDR HARRASSMENT IN BERLIN THROUGH CONTROLS ON ACCESS WEST GERMANS TO BERLIN AND THEIR CIRCULATION WITHIN CITY.

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